

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 1:97-CR-82

v.

HON. ROBERT HOLMES BELL

DARRYL FORD,

Defendant.

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MEMORANDUM OPINION AND ORDER

This matter is before the Court on defendant's Motion for Modification or Reduction of Sentence Pursuant to 18 U.S.C. §3582(c)(2) (ECF No. 1259). Based on a review of defendant's motion, the original criminal file, the Report of Eligibility prepared by the Probation Department, and the response thereto by the defendant, the Court has determined that the motion should be denied for the following reason(s):

Defendant was sentenced on April 29, 1998. At sentencing, the Court found that defendant was involved in at least 1.5 kilograms of cocaine base.

The retroactive amendment 750 changed the amount of cocaine base required for the highest amount of the drug from 4.5 kilograms to 8.4 kilograms cocaine base. The drug amount involved in this case was still clearly assigned the level 38. Since Amendment 750 did not result in a lower guideline range, defendant is not eligible for a

sentence reduction under 18 U.S.C. §3582(c)(2) and USSG §1B1.10(a)(2)(B).

ACCORDINGLY, defendant's motion (ECF No. 1259) is **DENIED**.

Date: July 13, 2015

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE